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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,540

12/19/2003

Owen Woodruff Bunker II

tuffdoor

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7590

07/10/2006

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EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,540	Applicant(s) BUNKER, OWEN WOODRUFF	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 15-26 is/are rejected.
- 7) ☐ Claim(s) 1, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed May 16, 2006 in which claims 10 and 13-14 were cancelled.

Response to Arguments

Applicant's arguments with respect to claims 1-9, 11-12 and 15-26 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the apertures for the hardware (as claimed in claim 26), and the interior frame including a panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 8 and 9 are objected to because of the following informalities:

Claim 1: Line 5 recites the limitation "the extension sheath". Examiner suggests changing "extension" to "exterior".

Claim 8: Line recites the limitation "a least". Examiner suggests changing "a" to "at".

Claim 9: Line 4 recites the limitation "least horizontal". Examiner suggests changing to "least one horizontal".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-16, 18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sailor (3893273).

Regarding claim 15: Sailor discloses a door for a building, said door comprising: a generally rectangular internal frame (16) comprising at least one tubular member (18); and interior sheath (14) attached to said internal frame; an exterior sheath (12) attached

to said internal frame; and the exterior edges of said exterior sheath extending beyond the exterior edges of said internal frame (Figure 1).

Regarding claim 16: The door of claim 15 wherein said internal frame includes: structural metal components (Col. 2, line 27).

Regarding claim 18: The door of claim 15 wherein said internal frame includes: structural wood components (Col. 2, line 27).

Regarding claims 21-23: The door of claim 21 wherein said attachment mechanism includes: fasteners securing said interior sheath to said internal frame (Col. 2, lines 24-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1—9, 11-12 17, 19-20 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sailor (3893273).

Regarding claim 1: Sailor discloses a door system for a building, said door system comprising: an internal frame (16); an interior sheath (14) attached to said internal frame, wherein the interior sheath has an outer periphery defined by at least four outer edges: an exterior sheath (12) attached to said internal frame, wherein the exterior sheath has an outer periphery defined by at least four outer edges (Col. 2, lines 24-26); wherein at least two of the outer edges of the exterior sheath extend beyond the

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internal frame (Figure 1). Sailor does not disclose exterior trim attached on said exterior sheath, but it is common and well known in the art to have exterior trim attached on the exterior of a door as it provides an more aesthetically appealing door. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Sailor to have trim attached to the exterior.

Regarding claim 2: The door system of claim 1 wherein said internal frame includes: a plurality of outer tubular metallic components (the components of element 16 as depicted in figures 1-3) configured in a rectangular shape with at least one central tubular member (Figure 30 which extends between two of the outer tubular metal components).

Regarding claim 3: The door of claim 1 wherein said internal frame includes: wood components (Col. 2, line 27).

Regarding claim 8 and 9: The door system of claim 1 wherein said internal frame includes: at least one vertical component (18) and at least one horizontal component (Figure 3, at 16); and an attachment mechanism (the interior and exterior sheaths (12 and 14) for attaching said at least one vertical component and said at least one horizontal component to one another, wherein said attachment mechanism includes; fastening mechanisms attaching said at least one vertical component and said at least one horizontal component to at least one of said exterior sheath and said interior sheath (Col. 2, lines 24-26).

Regarding claim 11: The door system of claim 1 wherein the internal frame comprises tubular metal members (Col. 2 line 27) disposed in a rectangular

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configuration with exterior edges (Figures 1-3), and wherein the outer edges of said interior sheath are flush with the exterior edges of the internal frame (Figures 1-3).

Regarding claim 12: the door system of claim 1 wherein the internal frame comprises tubular members that define an outer periphery, wherein the outer edges of said exterior sheath extend beyond the outer periphery of said internal frame while the outer edges of said interior sheath are the same dimensions of the outer periphery of said internal frame (Figures 1-3).

Regarding claims 4-7, 17 and 19-20: Sailor discloses the door of claims 1 and 15 above, but does not expressly disclose that the internal frame includes plastic components, a solid wooden panel a composite panel or a polystyrene panel. Sailor does disclose that the internal frame components include wooden or metal components (Col. 2, line 27). At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the internal frame components of a solid wooden panel a composite panel or a polystyrene panel because applicant has not disclosed that the claimed components provide an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Sailor's internal frame and applicant's invention to perform equally well with the internal frame composed of either of the materials because all the materials would perform the same function of providing a structural frame for the door equally well (applicant discloses on pages 4 and 9-10 of the specification that the internal frame components may be made of wood, plastic, aluminum, polystyrene, or other lightweight strong structural materials and also may be made of a solid panel).

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Therefore, it would have been prima facie obvious to modify Sailor to obtain the invention as specified in claims 4-7, 17 and 19-20 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Sailor.

Regarding claim 24: Sailor discloses the door as claimed above, but does not specifically disclose the method of making the door. The steps of: placing internal frame components on a surface; placing an interior sheath on top of the internal frame components while the internal frame components are on the surfaces; securing the interior sheath to the internal frame components while the internal frame components are on the surface; reversing the assembled internal frame components and interior sheath so the internal frame components are exposed; and securing an exterior sheath to the internal frame components, wherein the extension sheath has at least two outer edges that extend beyond outer edges of the internal frame, are considered to be obvious and well known method steps of assembling the door of the above claims. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assemble the door of Sailor as claimed above.

Regarding claim 25: The method of claim 24 above, Sailor discloses the door of the above claimed invention, wherein the internal frame components comprise tubular metal sections (Col. 2, line 27). It is well known in the art to "fasten" trim components to the exterior of the sheath therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to assemble the door of Sailor as claimed in claim 1 above, by fastening the trim components to the exterior sheath.

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Regarding claim 26: Sailor discloses the door of the above claims and further discloses the door having hardware such a handle and latch (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form apertures for the hardware as it is well known and common in the art to have apertures for hardware of a door.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

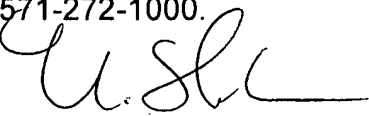
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

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06/23/2006


N. Slack
Primary Examiner